

# Policy

## Complaint Handling 2021



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Further Document Information and Relationships	
<b>Related Legislation*</b>	<i>Public Interest Disclosures Act 1994</i> <i>Public Interest Disclosures Regulation 2011</i> <i>Government Information (Public Access) Act 2009</i> <i>Independent Commission Against Corruption Act 1988</i> <i>Local Government Act 1993</i> <i>Ombudsman Act 1974</i> <i>Work Health and Safety Act 2011</i>
<b>Related Policies</b>	Code of Conduct (D19/5709) Internal Reporting (Public Interest Disclosure) Policy 2021 (D21/20693) Unreasonable Complaint Conduct Policy (D21/22207)
<b>Related Documents</b>	Effective Complaint Handling Guidelines (NSW Ombudsman, 3 <sup>rd</sup> Edition, February 2017)

\*Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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## **PART A – Introduction**

### **1 Purpose**

This Complaint Handling Policy (“this Policy”) is intended to ensure that Liverpool Plains Shire Council (“Council”) handles complaints fairly, efficiently and effectively.

Council’s complaint management system is intended to:

- Enable us to respond to issues raised by complainants in a timely and cost-effective way;
- Boost public confidence in our administrative process; and
- Provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling.

This Policy provides guidance to our staff and people who wish to make a complaint on the key principles and concepts of our complaint management system.

### **2 Commencement**

This Policy is effective from date of resolution by Council and shall remain in force until repealed by resolution of Council.

### **3 Scope and Application**

This Policy applies to all staff receiving or managing complaints from the public made to or about us, regarding our services, staff and complaint handling.

Staff grievances, Code of Conduct complaints and public interest disclosures are dealt with through separate mechanisms.

### **4 Organisational Commitment**

Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

<b>Who</b>	<b>Commitment</b>	<b>How</b>
General Manager	Promote a culture that values complaints and their effective resolution	<ul style="list-style-type: none"> <li>• Report publicly on Council’s complaint handling.</li> <li>• Provide adequate support and direction to key staff responsible for handling complaints.</li> <li>• Regularly review reports about complaint trends and issues arising from complaints.</li> <li>• Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</li> <li>• Encourage staff to make recommendations for system</li> </ul>

		<p>improvements.</p> <ul style="list-style-type: none"> <li>• Recognise and reward good complaint handling by staff.</li> <li>• Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.</li> </ul>
<p>Director Corporate and Community Services (Public Officer)</p>	<p>Establish and manage Council's complaint management system.</p>	<ul style="list-style-type: none"> <li>• Provide regular reports to the General Manager on issues arising from complaint handling work.</li> <li>• Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate.</li> <li>• Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures.</li> <li>• Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</li> <li>• Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</li> <li>• Recognise and reward good complaint handling by staff.</li> </ul>
<p>Staff whose duties include complaint handling</p>	<p>Demonstrate exemplary complaint handling practices</p>	<ul style="list-style-type: none"> <li>• Treat all people with respect, including people who make complaints.</li> <li>• Assist people make a complaint, if needed.</li> <li>• Comply with this Policy and its associated procedures.</li> <li>• Keep informed about best practice in complaint handling.</li> <li>• Provide feedback to management on issues arising from complaints.</li> </ul>

		<ul style="list-style-type: none"> <li>• Provide suggestions to management on ways to improve the organisation's complaints management system.</li> <li>• Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</li> </ul>
All staff	Understand and comply with Council's complaint handling practices.	<ul style="list-style-type: none"> <li>• Treat all people with respect, including people who make complaints.</li> <li>• Be aware of Council's complaint handling policies and procedures.</li> <li>• Assist people who wish to make complaints access the Council's complaints process.</li> <li>• Be alert to complaints and assist staff handling complaints resolve matters promptly.</li> <li>• Provide feedback to management on issues arising from complaints.</li> <li>• Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</li> </ul>

## 5 Definitions and Interpretation

In this Policy, the following terms shall be interpreted to have the following meanings:

Term	Definition
<b>Business Day</b>	a day that is not a Saturday, a Sunday, 27/28/29/30/31 December, nor a public holiday in Sydney.
<b>Complainant</b>	a person or organisation who has submitted a complaint [see definition of “complaint” below].
<b>Complaint</b>	<p>expression of dissatisfaction made to or about Council, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.</p> <p>A complaint covered by this Policy can be distinguished from:</p> <ul style="list-style-type: none"> <li>• Staff grievances [see Council’s Grievance Policy];</li> <li>• Public interest disclosures made by our staff [see Council’s Internal Reporting (Public Interest Disclosures) Policy];</li> <li>• Code of Conduct complaints [see Council’s Code of Conduct];</li> <li>• Responses to requests for feedback about the standard of our service provision [see the definition of “feedback” below];</li> <li>• Reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of “feedback”];</li> <li>• Service requests [see definition of “service request” below]; and</li> <li>• Requests for information [see Council’s website for information on the <i>Government Information Public Access (GIPA) Act 2009</i>].</li> </ul>
<b>Complaint Management System</b>	all policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.
<b>Dispute</b>	an unresolved complaint escalated either within or outside of Council.
<b>EDRMS</b>	means Liverpool Plains Shire Council’s Electronic Document and Records Management System.
<b>Feedback</b>	opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.

<b>General Manager</b>	the General Manager of Liverpool Plains Shire Council appointed under section 334 of the <i>Local Government Act 1993</i> .
<b>Governing Body</b>	the elected Councillors of Liverpool Plains Shire Council.
<b>Grievance</b>	a clear, formal written statement by an individual staff member about another staff member or a work-related problem.
<b>Policy</b>	a statement of instruction that sets out how Council should fulfil its vision, mission and goals.
<b>Procedure</b>	a statement or instruction that sets out how Council's policies will be implemented and by whom.
<b>Public Interest Disclosure</b>	a report about wrongdoing made by a public office in New South Wales that meets the requirements of the <i>Public Interest Disclosures Act 1994</i> .
<b>Public Officer</b>	the staff member designated under section 342 of the <i>Local Government Act 1993</i> to exercise the functions of Public Officer detailed at section 343 of the <i>Local Government Act 1993</i> .
<b>Senior Staff</b>	the incumbents of those positions that have been formally identified by Council as Senior Staff under section 332 of the <i>Local Government Act 1993</i> .
<b>Service Request</b>	<ul style="list-style-type: none"> <li>• Requests for approval</li> <li>• Requests for action</li> <li>• Routine inquiries about Council's business</li> <li>• Requests for the provision of services and/or assistance</li> <li>• Reports of failure to comply with laws regulated by Council.</li> <li>• Requests for explanation of policies, procedures and decisions.</li> </ul>



## PART B - Guiding Principles



### 6 Facilitate Complaints

#### 6.1 People focus

Council is committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within the following timeframes:

Timeframe	Action
Within one (1) business day of receipt	Complaint recorded in Council's Electronic Document Records Management System (EDRMS).
Within five (5) business days of receipt	In circumstances where a complainant has provided contact details, the staff member responsible for handling the complaint will provide acknowledgment of receipt of the complaint to the complainant. Such acknowledgement may be by telephone or in writing, as appropriate, and details of this contact will be recorded against the complaint in Council's EDRMS.
Within ten (10) working days of receipt	Council will attempt to address all complaints within ten (10) working days of receipt of the complaint, except where further information is waiting to be received. In the instance where resolution of the complaint is delayed, then the staff member responsible for handling the complaint will advise the complainant of the progress of the complaint within ten (10) working days and a full response to the complaint will be provided within twenty-eight (28) working days.
More than twenty-eight (28) working days from receipt	The complainant will be advised of the progress of the investigation at fourteen (14) working day intervals.

Complaints may be lodged with us in any of the following ways:

Means	Details
<b>Email</b>	<a href="mailto:council@liverpoolplains.nsw.gov.au">council@liverpoolplains.nsw.gov.au</a>
<b>In Person</b>	Customer Service Centre 60 Station Street, Quirindi
<b>Post</b>	PO Box 152, Quirindi NSW 2343
<b>Telephone</b>	(02) 6746 1755

Complainants will be:

- Provided with information about our complaint handling process;
- Provided with multiples and accessible ways to make complaints;
- Listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate; and
- Provided with reasons for our decision/s and any options for redress or review.

## 6.2 Complaints that may not be investigated

The General Manager or Public Officer may determine that a complaint will not be investigated where the complaint:

- Is considered frivolous, vexatious or not made in good faith or concerns a trivial matter;
- Involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal;
- Relates to a decision of Council's governing body, or to a matter awaiting determination of Council's governing body;
- Relates to conduct before a court, coroner or tribunal;
- Relates to matters under investigation by the Minister for Local Government, ICAC, the NSW Ombudsman's office, a Minister of the Crown or government department or the NSW Police Service;
- Relates to the appointment or dismissal of any employee or an industrial or disciplinary issue
- Relates to a decision, recommendation, act or omission which is more than one year old unless the complainant can show to the satisfaction of the General Manager that there were strong and extenuating circumstances that prevented the complaint being made within the one-year period
- relates to the actions or conduct of private individuals
- relates to a matter where there is insufficient information available or involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against Council.

Should the General Manager or Public Officer determine that a complaint will not be investigated, the complainant will be advised of the reason(s) for the decision.

### **6.3 No detriment to complainants**

We will take all reasonable steps to ensure that complainants are not adversely affected because a complaint has been made by them or on their behalf.

### **6.4 Anonymous complaints**

Anonymous complaints will not be accepted. However, a complainant can ask to have their details withheld by the General Manager or Public Officer when the complaint is being investigated and for these details to be kept confidential. Confidentiality in regard to disclosure of sensitive information will be applied to all complaints according to the *Privacy and Personal Information Protection Act 1998*. Complete anonymity, however, cannot be guaranteed if we are to fully address a complaint.

### **6.5 Accessibility**

Council will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

### **6.6 No charge**

Complaining to Council is free.

## **7 Respond to Complaints**

### **7.1 Early resolution**

Where possible, complaints will be resolved at first contact with Council.

### **7.2 Responsiveness**

Council will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- The complaints process;
- The expected time frames for our actions;
- The progress of the complaint and reasons for any delay;
- Their likely involvement in the process; and
- The possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our timeframes for responding to their complaint and the reason for our delay. Council's timeframes for responding to complaints are detailed in clause 6.1 of this Policy.

### **7.3 Objectivity and fairness**

Council will address each complaint with integrity and in an equitable, objective and unbiased manner.

We will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

### **7.4 Responding flexibly**

Council staff are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for complainants and/or their representatives.

We will assess each complaint on its merits and involve complainants and/or their representative in the process as far as possible.

### **7.5 Confidentiality**

We will protect the identity of complainants where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

## 8 Manage the Parties to Complaints

### 8.1 Complaints involving multiple agencies

Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of service providers.

### 8.2 Complaints involving multiple parties

When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

### 8.3 Empowerment of staff

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

### 8.4 Managing unreasonable conduct by complainants

We are committed to being accessible and responsive to all complainants. At the same time our success depends on:

- Our ability to do our work and perform our functions in the most effective and efficient way possible;
- The health, safety and security of our staff, and
- Our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this Policy.

For further information on managing unreasonable conduct by complainants please see Council's Unreasonable Complainant Conduct Policy.

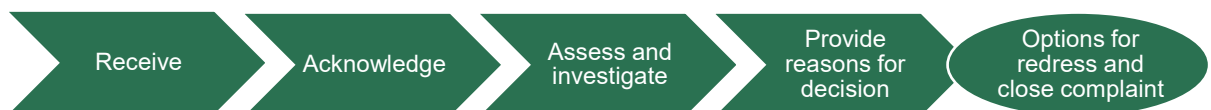
## **PART C - Complaint Management System**

### **9 Introduction**

When responding to complaints, staff should act in accordance with this Policy as well as any other internal documents providing guidance on the management of complaints.

Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in our complaint management system are set out below:



### **10 Receipt of Complaints**

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file. The record of the complaint will document:

- The contact information of the person making a complaint;
- Issues raised by the person making a complaint and the outcome/s they want;
- Any other relevant; and
- Any additional support the person making a complaint requires.

### **11 Acknowledgement of Complaints**

We will acknowledge receipt of each complaint promptly, and preferably within five (5) business days of receipt.

Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

### **12 Initial Assessment and Addressing of Complaints**

#### **12.1 Initial assessment**

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the complainant and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is;
- Whether the complaint raises concerns about people's health and safety;
- How the person making the complaint is being affected;
- The risks involved if resolution of the complaint is delayed; and
- Whether a resolution requires the involvement of other organisations.

If the complaint will not be investigated under clause 6.2 of this Policy, we will advise the complainant accordingly.

## 12.2 Addressing complaints

After assessing the complaint, we will consider how to manage it. To manage a complaint, we may:

- Give the person making a complaint information or an explanation;
- Gather information from the service, person or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and consider any applicable statutory requirements.

## 13 Providing Reasons for Decisions

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them of:

- The outcome of the complaint and any action we took;
- The reason/s for our decision;
- The remedy or resolution/s that we have proposed or put in place; and
- Any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

## 14 Closing the Complaint, Record Keeping, Redress and Review

We will keep comprehensive records about:

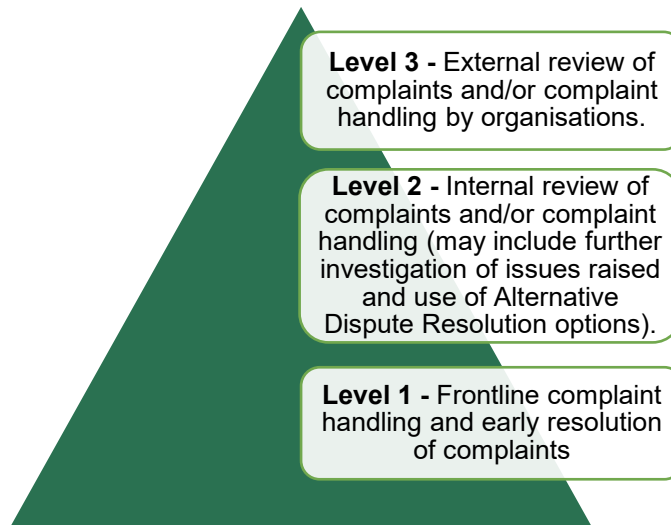
- How we managed the complaint;
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations; and
- Any outstanding actions that need to be followed up.

We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager.

## 15 Alternative Avenues for Dealing with Complaints

We will inform people who make complaints to or about us about any internal or external review options available to them (including but not limited to, the NSW Ombudsman and/or NSW Office of Local Government).

## 16 The Three Levels of Complaint Handling



We aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, we may decide to escalate the complaint to a more senior officer within Council. This second level of complaint handling will provide for the following internal mechanisms:

- Assessment and possible investigation of the complaint and decision/s already made; and/or
- Facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of Council's review of their complaint, they may seek an external review of our decision by the NSW Ombudsman.



## **PART D - Accountability and Learning**

### **17 Analysis and Evaluation of Complaints**

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular reports will be run on:

- The number of complaints received;
- The outcome of complaints, including matters resolved at the frontline;
- Issues arising from complaints;
- Systemic issues identified; and
- The number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

Both reports and their analysis will be provided to Council's General Manager and Senior Staff for review.

### **18 Monitoring of the Complaint Management System**

We will continually monitor our complaint management system to:

- Ensure its effectiveness in responding to and resolving complaints; and
- Identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

### **19 Continuous improvement**

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- Support the making and appropriate resolution of complaints;
- Implement best practices in complaint handling;
- Recognise and reward exemplary complaint handling by staff;
- Regularly review the complaints management system and complaint data, and
- Implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.